

## MCDANIEL &amp; ANDERSON, L.L.P.

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April 24, 2014

BY FACSIMILE: 252-638-1529  
AND U.S. MAIL

Hon. Louise W. Flanagan  
U.S. District Judge  
Eastern District of N.C.  
413 Middle Street  
New Bern, North Carolina 28560

Re: U.S. Commodity Futures Trading Commission  
v. Yellowstone Partners, Inc. and  
Dennis Todd Hagemann  
Case No. 5:10-CV-85-FL

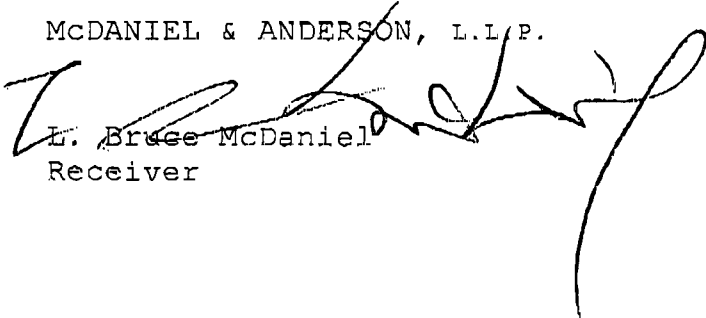
Dear Judge Flanagan:

Enclosed herewith is a courtesy copy of my Revised Final Report, Application for Final Payment of Receivership Fees, and Motion to Close Out Receivership Case with proposed Order for your consideration in connection with the subject case. This report is being sent directly to you because I have found that the Clerk's Office will otherwise hold onto the motion at least two weeks before it is forwarded to you for your consideration, and in view of the considerable time involved in the administration of this receivership estate, with increasing creditor inquiries, I felt it would be appropriate to get this document, along with the proposed order, to you as soon as possible.

Thank you for your consideration in these regards and if you have any questions with regard to this matter, please have your Clerk contact me at the address and/or phone number shown above.

Sincerely yours,

MCDANIEL &amp; ANDERSON, L.L.P.

  
L. Bruce McDaniel  
ReceiverLBMCD/kw  
Enclosures

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

U.S. COMMODITY FUTURES	)	
TRADING COMMISSION,	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION FILE
	)	No. 5:10-CV-85-FL
YELLOWSTONE PARTNERS, INC.	)	
and DENNIS TODD HAGEMANN,	)	
Defendants	)	

RECEIVER'S REVISED FINAL REPORT,  
APPLICATION FOR FINAL PAYMENT OF RECEIVERSHIP FEES,  
AND MOTION TO CLOSE OUT RECEIVERSHIP CASE

NOW COMES the Receiver, L. Bruce McDaniel, and hereby files this Revised Final Report, Final Application for Receivership Fees, and Motion to Close Out Receivership Case.

IN SUPPORT THEREOF, the Receiver would show the court as follows:

RECEIVER'S REVISED FINAL REPORT

Background Facts

1. On March 9, 2011, the United States Commodity Futures Trading Commission filed a complaint for injunctive relief, civil monetary penalties, and other equitable relief including the appointment of Receiver in the subject proceedings. On March 31, 2011, the court issued an order appointing attorney

L. Bruce McDaniel of Raleigh, North Carolina as Receiver and he continued to function in that capacity to the date hereof.

2. Since his appointment, the Receiver has reconstructed all relevant bank accounts, has identified all rightful claimants, and has liquidated all assets of the receivership estate to cash. The receivership estate is now ready to be closed.

#### Investor Claims

3. Pursuant to previous court order, the Receiver established claim procedures and the approval of a claim form, all approved by the court. The precise amount ordered to be distributed to investors, totaling \$254,173.39, was duly paid to claimants who made claims against the receivership estate, the precise amount ordered by the court. Those checks were duly issued and all have been cashed or otherwise negotiated, with the result that there now remains in the receivership estate the exact amount of \$112.43, the amount roughly estimated by the Receiver to be available after the negotiation of the distribution checks.

#### Litigation

4. There has been and as of the date hereof no litigation involving the receivership estate.

Professional Fees

5. Other than discussed herein, there are no pending and unpaid legal fees applied to be paid to the Receiver or any other professional.

APPLICATION FOR FINAL PAYMENT OF RECEIVERSHIP FEES

6. In view of the foregoing, the Receiver hereby requests that the court enter an order ordering the payment to him of the balance in the receivership estate bank account of \$112.43, or such reduced amount as may be available in the event the bank charges several dollars for the Receiver's use of counterchecks in order to make all the distributions previously ordered by the court, in consideration of the Receiver's forbearance of some \$590.00, being the shortfall on the Receiver's last application for fees due to the unavailability of receivership estate funds, as well as the subsequent and ongoing work by the Receiver, including the work necessary to close out the receivership estate, close the bank account, handle residual claimant correspondence, and other miscellaneous correspondence, and other similar termination matters involved in the termination of the receivership estate, as well as storing the receivership records for a reasonable amount of time and subsequently disposing of the same.

MOTION TO CLOSE OUT RECEIVERSHIP CASE

7. In view of the foregoing, the Receiver hereby moves the court to enter an order approving the Receiver's Revised Final Report set forth hereinbefore, ordering the payment of the net amount in the receivership estate bank account of some \$112.43 or such lesser amount as may be available in the bank account at that time, in order to close out the bank account, and otherwise terminate the receivership and close the subject case.

8. More specifically, the Receiver requests that the court enter an order that the Receiver retain the receivership records for a reasonable time thereafter and, at his discretion, subsequently abandon and/or destroy all records relating to the receivership estate as the Receiver subsequently deems proper, closing the receivership estate to any further proceedings, absent any good cause shown, and discharging the Receiver from any further services or responsibility to the receivership estate.

This the 24th day of April, 2014.

/s/L. Bruce McDaniel

L. Bruce McDaniel  
Receiver for Defendants  
N.C. State Bar No. 5025  
Post Office Box 58186  
Raleigh, North Carolina 27658  
Tel: (919) 872-3000  
Fax: (919) 790-9273  
mcdas@mcdas.com

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served a copy of the foregoing document upon all parties of record by depositing a copy of the same in the custody of the U.S. Postal Service, first class postage prepaid, addressed as follows:

Dennis Todd Hagemann  
Inmate No. 1274358  
Individually & as President of  
Yellowstone Partners, Inc.  
Nash Correctional Center  
Box 600  
Nashville, NC 27856

Mr. Jason Mahoney  
U.S. Commodity Futures  
Trading Commission  
Three Lafayette Center  
Washington, DC 20581

Federal Trade Commission  
ATTN: Gregory A. Ashe  
600 Pennsylvania Avenue, N.W.  
Room NJ-3158  
Washington, D.C. 20580

This the 24th day of April, 2014.

/s/L. Bruce McDaniel  
L. Bruce McDaniel  
Receiver for Defendants  
N.C. State Bar No. 5025  
Post Office Box 58186  
Raleigh, North Carolina 27658  
Tel: (919) 872-3000  
Fax: (919) 790-9273  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

U.S. COMMODITY FUTURES	)	
TRADING COMMISSION,	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION FILE
	)	No. 5:10-CV-85-FL
YELLOWSTONE PARTNERS, INC.	)	
and DENNIS TODD HAGEMANN,	)	
Defendants	)	

ORDER APPROVING RECEIVER'S REVISED FINAL REPORT,  
APPLICATION FOR FINAL PAYMENT OF RECEIVERSHIP FEES,  
AND TERMINATING RECEIVERSHIP CASE

THIS MATTER COMING BEFORE THE COURT on the unopposed motion of the Receiver, L. Bruce McDaniel, upon his Revised Final Report, Application for Final Payment of Receivership Fees, and Motion to terminate and otherwise close out the subject receivership case.

This report, application for final fees, and motion to close out this receivership case was unopposed by parties to this action, Yellowstone Partners, Inc. and Dennis Todd Hagemann, as well as the U.S. Commodity Futures Trading Commission, also unopposing this report, application, and motion.

The court has reviewed this Revised Final Report, the Receiver's Application for Final Payment of Receivership Fees,



and Motion to Close Out Receivership Case, together with all other papers on file in this action. The court also notes that pursuant to the Receiver's Report, Application, and Motion to terminate receivership case, that all interested parties have the right to file objections to the requests by the Receiver, and no objections have been filed.

Being so informed, the court finds that good and sufficient funds exist for the relief requested by the Receiver's report, application, and motion.

Accordingly, IT IS ORDERED that:

1. The Receiver's Revised Final Report is approved in all respects.
2. The Receiver's Application for Final Payment of Receivership Fees in the amount of \$112.43, or such lesser amount as may be available at the time the receivership estate bank account is closed out, be paid for unpaid services rendered by the Receiver as noted in his Application relating thereto.
3. The Receiver's Motion to Close Out Receivership Case be, and it hereby is, granted in all respects, and more specifically the Receiver is authorized to retain the receivership documents for a reasonable time hereafter, and thereafter in his discretion to abandon and/or destroy all records relating to the receivership case, and that the



Receiver, effective as of the date of this order, is discharged from any further services or responsibilities to the receivership estate.

SO ORDERED, this \_\_\_\_\_ day of April, 2014.

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Louise W. Flanagan  
United States District Judge